

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

IN RE:)
)
SOLOMON A. HORTON,) CHAPTER 13 BANKRUPTCY
MARY B. HORTON,) CASE NO. 94-50013
)
DEBTORS)

ORDER

A confirmation hearing was held in this case on June 8, 1994. It appears that claim number 4 filed by First National Bank of Alma is facially deficient in that the claim proposes to establish an arrearage amount of \$454.78 while asserting an additional claim as secured and unsecured. Claim number 3 is secured in the amount of \$3,000.00 which is consistent with the Debtor's valuation of the property securing the indebtedness. Claim number 6 in the amount of \$1,623.58 represents the unsecured portion remaining after the valuation based on an original claim in a face amount of \$4,623.58. Because of the valuation of the collateral and the bifurcation of the claim, the arrearage amount is inappropriate and will be stricken.

The Debtor has entered into an agreement with Jeffery Anderson Trucking, Inc., the holder of claim number 14 which had been filed as secured in the amount of \$9,843.50. That claim

was withdrawn based upon the agreement of the Debtor to surrender the collateral in full satisfaction of the debt. Jeffery Anderson Trucking, Inc. was represented at the hearing and voiced agreement to this disposition.

The Debtor was requested by the trustee to file an amended budget. The trustee has reserved the right to object to the plan based upon the contents of the amended budget. The Court has allowed the trustee a period of fifteen (15) days following June 8, 1994 to file an objection to the plan based upon the contents of the amended budget. Absent objection by the trustee within that time or upon receipt of a consent filed by the trustee prior to the expiration of that fifteen (15) day period, the case will be confirmed. In the event of an objection by the trustee, the case will be rescheduled for another confirmation hearing.

SO ORDERED this _____ day of June, 1994.

JAMES D. WALKER, JR., Judge
United States Bankruptcy Court